BILL NO. Z-81-04-39

ZONING MAP ORDINANCE NO. Z-15-81

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 22, The Code of the City of Fort Wayne, Indiana of 1974:

The West Fifty-Five (55) feet of Lots Numbered 31 and 32 in Romy's Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof commonly known as 2021 and 2023 Hillside Avenue, Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. N-14 referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
COUNCILMAN

APPROVED AS TO FORM AND LEGALITY APRIL 24, 1981.

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Gia Quinta, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, ~~City-County Building~~, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock _____ M.,E.S.T.

DATE: 4-28-81

Charles W. Westerman - /re
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Shmidt, D., and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
SCHOMBURG	✓				
STIER	✓				
TALARICO	✓				

DATE: 6-2-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. Z-15-81 on the 2nd day of June, 19 81.

ATTEST: (SEAL)

Charles W. Westerman — John Nuckols
CHARLES W. WESTERMAN - CITY CLERK — PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 19 81, at the hour of 11:45 o'clock A. M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 3rd day of June 19 81, at the hour of 3 o'clock P. M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. Z-81-04-39

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

MARK E. GiaQUINTA, CHAIRMAN — Mark E. GiaQuinta

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

VIVIAN G. SCHMIDT — Vivian G. Schmidt

JAMES S. STIER — James S. Stier

DONALD J. SCHMIDT — Donald J. Schmidt

6-2-81
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

19 May 1981

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held May 18, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-04-39

2. From R-3 to R-2

3. Intended Use: Unknown

4. Plan Commission Recommendation: DO PASS

   This ordinance received a DO PASS recommendation for the following reason:

   a. This downzoning will eliminate future neighborhood encroachment of a legal non-conforming office use.

If there are any questions with regard to this ordinance, please feel free to call on use.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 28, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-04-39; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 11, 1981;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 18, 1981.

Certified and signed this
19th day of May 1981.

Dennis J. Grotrian

Dennis J. Grotrian
Secretary

BUSINESS FORM PRODUCT OF WILSON JONES

GrayLine

RECEIPT

Date 4/8 1981 No. 15929

Received From [illegible] Investment

Address 2021 Hillside P.O. Box 5163

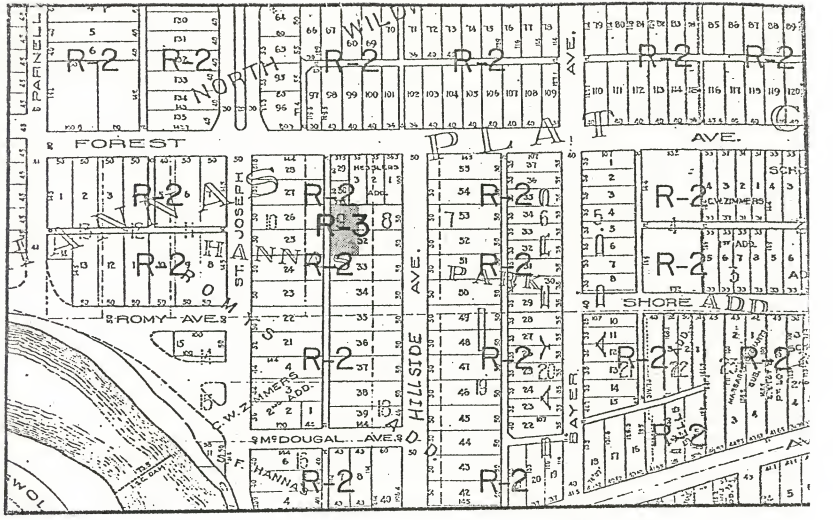
Fifty and 00/100 Dollars $50.00

For 2021 & 2023 Hillside

Bezoning

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	50	00	CASH		
AMT. PAID	50	00	CHECK	✓	
BALANCE DUE	—		MONEY ORDER		

By Kathy Schaeffer



REZONING CLASSIFICATION FROM AN R-3 TO AN R-2 DISTRICT.

MAP NO. N-14

Z-81-04-39

BY G.R. LAX 4-9-81

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA

REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

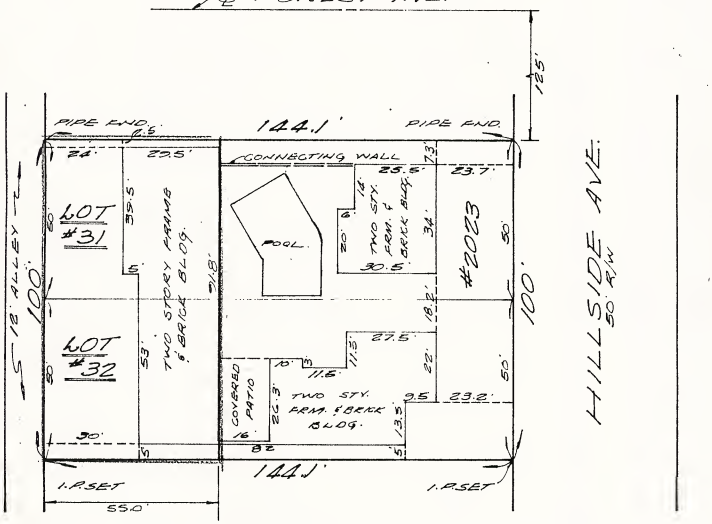
The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #31 and Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

LEGAL DESCRIPTION OF AREA TO BE ZONED R-3:

The West 55 feet of Lot #31 and the West 55 feet of Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: H. T. H.
CROWN CONSTRUCTION INC.

1"=30'
4-30-80
REV. 12-29-80

JOHN R. DONOVAN
REGISTERED
No. 9921
SURVEYOR
JOHN R. DONOVAN

PETITION FOR ZONING ORDINANCE AMENDMENT

No. _____

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

DATE FILED: _____

INTENDED USE: _____

RECEIVED
APR 8 1991
FORT WAYNE CITY PLAN COMMISSION

I/We hTh Investments, Inc.

Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by reclassifying from an R-3 District to a R-2 District the property described as follows:

The West Fifty-Five (55) of Lots Numbered 31 and 32 in Romy's Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof commonly known as 2021 and 2023 Hillside Avenue, Fort Wayne, Indiana.

General Description (Prepared by Planning Staff)

Legal Description

Legal Description Checked by (City Engineer) _____

The Undersigned applicant (s) upon the execution and submission of this application and petition for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or for the ordinance to be taken under advisement is filed within the required time, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. Also, in the event, a request is filed for continuance or delay in the consideration of an ordinance, it shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and informing him of the time and place of the next meeting at which the proposed ordinance will be considered. In the event the time and place of the meeting is not known at the time that the request for continuance is filed, it shall be the duty of the petitioner to notify all persons notified by the Plan Commission Office when the time and place of hearing is determined.

I/We hereby certify that as the undersigned, I am / We are the owner (s) of fifty-one percentum or more of the property described in this petition.

Name	Address	Signature
hTh Investments, Inc.	2021 Hillside Avenue Fort Wayne, IN 46805	Eston W. Hathaway,President

This petition for zoning ordinance amendment prepared by:

Name	Address	Telephone Number
Robert W. Haller	2000 Fort Wayne Bank Bldg. Fort Wayne, IN 46802	(219) 424-2000

City Plan Commission - One Main Street - City-County Building - Fort Wayne, Indiana - 423-7571

Admn. Appr._____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-81-04-29

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE The west 55 feet of Lots 31 & 32 in Romy's Addition, more commonly known as 2021 and 2023 Hillside Avenue.

EFFECT OF PASSAGE Property is presently zoned R-3 - Multiple Family Residential. Property will become R-2 - Two Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multiple Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)_____

ASSIGNED TO COMMITTEE (J.N.)_____

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

June 4, 1981

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of June 9 and June 16, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. Z-81-04-39
Zoning Map Ordinance No. Z-15-81

Bill No. G-81-03-37
General Ordinance No. G-09-81

Please send us eight (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 2nd day of June, 1981, the Common Council of the City of Fort Wayne, Indiana in Special Session did pass the following Bill No. Z-81-04-39 -- Zoning Map Ordinance No. Z-15-81; being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14

Notice is hereby given that on the 2nd day of June, 1981, the Common Council of the City of Fort Wayne, Indiana, in Special Session did pass the following Bill No. G-81-03-37 -- General Ordinance No. G-09-81; being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-81-04-39 -- Zoning Map Ordinance No. Z-15-81; and Bill No. G-81-03-37 -- General Ordinance No. G-09-81; said Ordinances were signed and approved by the Mayor on the 3rd day of June, 1981, and now remains on file and on record in my office.

Copies of Bill No. Z-81-04-39 -- Zoning Map Ordinance No. Z-15-81 and Bill No. G-81-03-37 -- General Ordinance No. G-09-81, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) The main floor of the City-County Building
(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
(3) The bulletin board in the lobby at the East door of the Allen County Court House

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman
City CLerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinances in the designated places as stated on June 9, 1981

Charles W. Westerman
City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	67
Tail	number of lines	2
	Total number of lines in notice	69

COMPUTION OF CHARGES

69 lines, 1 cents per line columns wide equals 69 equivalent lines at .276¢	$ 19.04
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra	3.00
TOTAL AMOUNT OF CLAIM.	$ 22.04

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursu the 2nd day of June, 1981, the s of Ch. 89., Acts 1967.

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westermen, Clerk of the City of Fort Wayne, Indiana, fulfilled and posLed the above ordinances in the designated places ae ataisd on June 8, 1981.

CHARLES W. WESTERMAN
City Clerk

6/9-16

I hereb unt is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has be

Date

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeated before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

6/9 - 6/16/81

Subscribed and sworn to before me this 16th day of June 19 81

Notary Public

My commission expires November 29, 1981

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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Number of insertions 2 — Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date June 16, 19 81 — Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

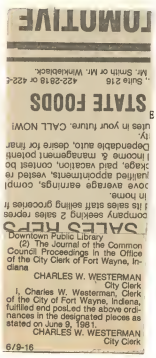
6/9 - 6/16/81

Arvilla DeWald

Subscribed and sworn to before me this 16th day of June 19 81

Anne M. Perkins
Notary Public

My commission expires November 29, 1981



Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D Roose

Date June 16 81, 19

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL newspaper of general circulation printed and published

FORT WAYNE, INDIANA

that the printed matter attached hereto is a true copy, for two times, the dates of publication being

6/81

ATTACH ADVERTIS

dinence No. Z-15-81; being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14.

Notice is hereby given that on the 2nd day of June, 1981, the Common Council of the City of Fort Wayne, Indiana, in Special Session did pass the following Bill No. G-81-05-37 — General Ordinence No. G-09-81; being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley.

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westermen, Clerk of the City of Fort Wayne, Indiana, fulfilled and posLed the above ordinances in the designated pieces as eteted on June 9, 1981.

CHARLES W. WESTERMAN
City Clerk

6/9-16

Notice is hereby given that on the 2nd day of June, 1981, the Common Council of the City of Fort Wayne, Indiana in Special Session did pass the following Bill No. Z-81-04-39 — Zoning Map Or-

16th day of June, 19 81

ber 29, 1981 Notary Public Anne M. Perkins

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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D Roose

Date June 16 81, 19

Title CLERK

Form 903

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State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 6/9 - 6/16/81

Legal Notice

FORECLOSURE SUIT

By virtue of a certified copy of a decree of foreclosure to me directed by the Clerk of the Allen Superior Court of Allen, County, Indiana, in a certain cause bearing Number S-81-309, upon the dockets of the Allen Superior Court, Allen County, Indiana, wherein Lincoln National Bank and Trust Company of Fort Wayne is plaintiff and Carolyn J. Casebere a/k/a Carolyn J. Goldsmith, Homeowners Financial Services of Indiana, Inc., Benevest, Inc., Raver, Federoff and Lowenstein, and Anthony Wayne Bank, and each of them, are defendants, in favor of the plaintiff in the sum of Twenty-five thousand three hundred seventy-six and 46/100 ($25,376.46) dollars plus interest, costs and accruing costs of said action, and ordering the sale of real estate hereinafter described to make assets for the payment of said sums due the plaintiff, in said decree contained, and if the proceeds of said sale exceed the amount of said judgments, interest, costs

to the
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the Stat
amende
Dated
CHA

PREPA
EDWARD

Subscribed and sworn to before me this 16th day of June, 19 81

Anne M. Barkins Notary Public

My commission expires November 29, 1981

Notary
the 2nd
Comme
Fort Wa
Session
No. 2-8